



INTERIOR BOARD OF INDIAN APPEALS

Dahlstrom Lumber Co. and Mayr Brothers Logging Co., Inc., et al.
v. Portland Area Director, Bureau of Indian Affairs

20 IBIA 211 (08/21/1991)

Denying reconsideration of:
20 IBIA 143



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DAHLSTROM LUMBER CO.,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	
	:	
and	:	Docket Nos. IBIA 90-75-A
	:	IBIA 90-78-A
MAYR BROTHERS LOGGING CO., INC,	:	
ET AL.,	:	
Appellants	:	
	:	
v.	:	
	:	
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 21, 1991

On August 16, 1991, the Board of Indian Appeals (Board) received a petition for reconsideration of its decision in the above cases. 20 IBIA 143. The petition, which was filed by appellant Mayr Brothers Logging Co., Inc., seeks reconsideration on the grounds that "[t]he stumpage appraisal methods discussed in [the] decision * * * apply solely to the calculation of standing timber rates before it is sold or harvested. The sale of standing timber was not at issue in the appeal. What was at issue was the appraisal of harvested timber or log prices that primary manufacturers within Grays Harbor Sustained Yield Unit must meet or the logs would be sold to outside manufacturers." (Petition at page 2; emphasis in original.)

43 CFR 4.315(a) provides that "[r]econsideration of a decision by the Board will be granted only in extraordinary circumstances." The Board has held that extraordinary circumstances are not present when the issues raised in the petition were considered when the Board issued its initial decision. See, e.g., Burchard v. Billings Area Director, 19 IBIA 276 (1991), and cases cited therein. Appellant's argument was raised in the original filings with the Board, and was considered in reaching the initial decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge